

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAVITO HOLMES,

Plaintiff,

v.

Case Number 12-15508

Honorable David M. Lawson

Magistrate Judge Laurie J. Michelson

SIDNEY BARTHWELL,  
RONALD L. HAYWOOD,  
AMY SLAMEKA, and A. SMITH,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING CLAIMS AGAINST  
DEFENDANT SIDNEY BARTHWELL ONLY**

This matter is before the Court on the report issued February 20, 2013 by Magistrate Judge Laurie J. Michelson pursuant to 28 U.S.C. § 636(b), recommending that the Court grant defendant Sidney Barthwell's motion to dismiss and dismiss all claims against him. Although the report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #7] is **ADOPTED**.

It is further **ORDERED** that defendant Sidney Barthwell's motion to dismiss [dkt. #3] is **GRANTED**.

It is further **ORDERED** that all claims against defendant Sidney Barthwell **ONLY** are **DISMISSED WITH PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: March 12, 2013

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 12, 2013.

s/Deborah R. Tofil  
DEBORAH R. TOFIL